

REMARKS/ARGUMENTS

Entry of the foregoing and reexamination and reconsideration of the above-captioned application pursuant to and consistent with 37 C.F.R. § 1.112, and in light of the amendments and remarks that follow are respectfully requested. A petition for a three-month extension of time is enclosed. It is believed that these amendments and the accompanying remarks address the issues raised in the final Official Action and place this matter in condition for allowance. Therefore, entry of these amendments is consistent with 37 C.F.R. § 1.112.

Claims 1-9 and 11-27 are pending. Claims 16-25 have been withdrawn from consideration. Claims 1-9, 11-13 and 15 are rejected. Claims 14, 26 and 27 are objected to. Claims 1-9 and 11-27 are canceled. Claims 28-31 are added. Reexamination of the above-captioned application in light of the remarks that follow is respectfully requested.

The Examiner has withdrawn claims 16-25 from further consideration pursuant to 37 C.F.R. § 1.142(b), as being drawn to non-elected inventions.

Applicants have canceled claims 1-9 and 11-27, which renders moot the disposition of the claims as set forth in the Office Action.

The Examiner has objected to claims 14, 26 and 27 as being dependent upon a rejected based claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner has also rejected claim 13 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicants regard as the invention, but would be allowable if rewritten or amended.

Applicants have added new claims 28, 30 and 31 to address the Examiner's concerns. Specifically, Applicants have

rewritten claims 12, 13 and 14 in independent form as new base claim 28, including changing "synergist" to "compound" as suggested by the Examiner to overcome the rejection under 35 U.S.C. § 112, second paragraph. New claim 28 has also been written to claim "mixing" as the means by which the homogenous, mixed suspension is obtained.

Applicants have also rewritten claims 26 and 27 as new dependent claims 30 and 31. New dependent claim 30 depends from new base claim 28, and new dependent claim 31 depends from new dependent claim 30. Applicants have also added new dependent claim 29, which incorporates the subject matter of canceled claim 15, to depend from new base claim 28.

Accordingly, no new matter has been added. Thus, all of these claims are believed to be in condition for allowance.

Applicants reserve the right to add or amend dependent claims to depend from new base claim 28 as appropriate.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: January 16, 2004

Respectfully submitted,

By 

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